

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ANDREW RIGGLE,

Plaintiff,

vs.

INTERNATIONAL CAFE, et al.,

Defendants.

8:15CV412

ORDER

This matter comes before the court after a review of the court file and pursuant to NECivR 41.2, which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

In this case the complaint was filed on November 8, 2015. **See** Filing No. 1. On December 3, 2016, the plaintiff sought and received summons for the defendants. **See** Filing Nos. 6-7. On December 16, 2016, the plaintiff filed notice of serving the defendant International Cafe. **See** Filing No. 9. The plaintiff has taken no other action against the defendant International Cafe. It remains the plaintiff’s duty to go forward in prosecuting the case against the defendant International Cafe. The plaintiff may, for example, file a motion for clerk’s entry of default pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a) or voluntarily dismiss the non-participating defendant, as appropriate. Under the circumstances, the plaintiff must make a showing of good cause for failure to prosecute the defendant International Cafe or the action must be dismissed against it. Accordingly,

IT IS ORDERED:

The plaintiff has until the close of business on **June 16, 2016**, to show cause why this case should not be dismissed as against the defendant International Cafe for failure to prosecute or take some other appropriate action.

Dated this 2nd day of June, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge